

HALL COUNTY BOARD OF SUPERVISORS MEETING AUGUST 10, 2004

The Hall County Board of Supervisors met August 10, 2004, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Chairman Pamela Lancaster

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present was a representative from the *Grand Island Independent*.

CONSENT AGENDA – Eriksen made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes of the July 27th meeting
2. 15 Approve the final plat for O'Neill Acres Subdivision
3. 23 Accept and place on file the office reports for County Court, County Clerk, County Sheriff and Juvenile Services
4. Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
5. Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

OFFICE REPORT JULY 2004

TITLE FEES STATE	\$15,717.00
TITLE FEES COUNTY	\$ 8,119.00
RECORDING FEES	\$ 20.00
MARRIAGE LICENSES	\$ 810.00
PHOTO FEES/FAX FEES & MISC.	\$ 39.40
PLAT BOOKS/OTHER	54.00
CERTIFIED COPIES MARRIAGE LICENSES	\$ 110.00
TIME CARD FEES	\$ 30.00
TOTAL	\$24,899.40

OFFICE REPORT
HALL COUNTY JUVENILE SERVICES
JULY 2004

JUVENILE REFERRALS	27 JUVENILES
JUVENILE OFFENDERS	1 JUVENILE
JUVENILE HOUSE ARREST	0 JUVENILES
TOTAL UNDER SUPERVISION	259 JUVENILES
FEES COLLECTED	\$1,555.00

OFFICE REPORT
HOWARD COUNTY JUVENILE SERVICES
JULY 2004

JUVENILE REFERRALS	2 JUVENILES
TOTAL JUVENILE ENROLLEES	29 JUVENILES
FEES COLLECTED FOR MONTH	\$200.00
TOTAL FEES COLLECTED FISCAL YEAR	\$ 200.00

OFFICE REPORT
COUNTY COURT
JULY 2004

FINES (CO.)	\$ 70,330.10
OVERLOAD FINES	825.00
REIMBURSE SHERIFF FEES	2,289.90
WORK RELEASE FEES	533.00
REIMBURSE FAX COPIES	10.00
FINES (CITY)	7,704.69
REIMBURSE WITNESS FEES	00
BOND FORFEITURES	2,448.13
REIMBURSE CO. FEES	
TOTAL	\$ 84,140.82

OFFICE REPORT
HALL COUNTY SHERIFF JUNE 2004

TOTAL FEES MILEAGE & MISC	\$15,028.20
COPIES	82.00
HANDGUN APPLICATIONS	35.00
TITLE INSPECTIONS	2,580.00

1a INTROUDCTION OF DOUG DRUDIK, INFORMATION TECHNOLOGY DIRECTOR FOR HALL COUNTY – Chairman Lancaster introduced the new IT Director Doug Drudik. He attended Northwest High School and the University of Nebraska and has been working in Omaha. Lancaster stated the County received 40 applications and interviewed 14 or 15 people and Mr. Drudik came out at the top.

4 DISCUSS AND APPROVE LANGUAGE FOR JAIL BOND – COUNTY Attorney Jerry Janulewicz stated that he has prepared a resolution with the wording that the board may want to consider. This will request that the election commissioner place this on the November General Election Ballot for November. This is asking the voters to consider the issuance of bonds for the county jail in the amount of \$29,890,000.00. The have met with bond counsel and are looking at a 30 year time frame and the rate for the first 5 years will be higher. This would equate out to 24 cents per day for the first five years then it would drop. This is a vote to exceed the levy limit for the first 5 years.

Mr. Bunger stated that they looked at different financing structures and the reason the vote to exceed the levy limit was considered is because it allows the best interest rate. All of the costs of the land purchase and the site preparation have been included in the bond issue. The cost of the bond rate for the first five years would be 8.9 cents.

Jeffries made a motion and Arnold seconded to approve Resolution #04-0034 providing that the Board of Supervisors be authorized to issue and sell bonds in the amount of \$29,890,000.00 and the ballot language is to be placed on the November 2, 2004 General Election. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and Hartman abstained. Motion carried

COUNTY ATTORNEY – DISCUSS AND TAKE ACTION IN REGARD TO ESTATE OF MILDRED SEELY VS. HALL COUNTY BOARD OF EQUALIZATION – County Attorney Jerry Janulewicz was present. This was an appeal in 2002 and 2003 that went to the Tax Equalization & Review Commission that was heard by the commission. He is requesting that the board offer to confess judgment and set the value at \$95,761.00.

Jeffries made a motion and Arnold seconded to confess judgment and set the valuation at \$95,781.00. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

County Attorney Jerry Janulewicz stated that he has the resolutions for the conditional use permits prepared for the board's consideration after the public hearings have been held if the board chooses to authorize the conditional use permits.

Jeffries made a motion and Rye seconded to go in the following executive sessions:

11. EXECUTIVE SESSION – REAL ESTATE NEGOTIATIONS WITH MID-PLAINS

12 EXECUTIVE SESSION – PERFORMANCE EVALUATION

13 EXECUTIVE SESSION PERSONNEL

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

11. 9:25 A.M. TO 9:50 A.M. EXECTUIVE SESSION REAL ESTATE NEGOTIATIONS WITH MID PLAINS

12 9:51 A.M. TO 9:55 A.M. EXECUTIVE SESSION – PERFORMANCE EVALUATION

13 10:50 A.M. TO 11:20 A.M. EXECUTIVE SESSION PERSONNEL

10:05 a.m. recessed the executive session to hold the public hearings.

6 10:00 A.M. PUBLIC HEARING RENEWAL OF CONDITIONAL USE PERMIT FOR BOSSELMAN OIL INC. FOR OPERATION OF WHOLESALE PROPANE GAS DISTRIBUTION FACILITY – Arnold made a motion and Eriksen seconded to open the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Chairman Lancaster called for public participation

Fred Bosselamn was present and stated that they have had this permit for 5 years and asked if the County Board had any questions.

Arnold stated that this is located on Highway #11 between Cairo and Wood River and is a propane gas distribution center.

County Attorney Jerry Janulewicz stated that there was a name change on the business and it is now Bosselman Energy they are the same company and there are no concerns.

Chairman Lancaster called for public participation and no one responded.

Jeffries made a motion and Rye seconded to go out of the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Jeffries made a motion and Rye seconded to approve Resolution # 04 0035 for the conditional use permit for Bosselman Energy propane sub-station. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10:15 A.M. PUBLIC HEAR FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A TELECOMMUNICATIONS 280 FT TOWER ON 880 EAST SCHULTZ ROAD, DONIPHAN, NE FOR WESTERN WIRELESS LLC. – Jeffries made a motion and Eriksen seconded to open the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Chairman Lancaster called for public participation.

Peter Nauro representative with Western Wireless was present. He stated that they do business as Cellular One. This company covers rural areas west of the Mississippi they allow other carriers to use their tower. They are requesting a 280 foot lattice tower with an equipment shelter at the bottom of the tower. He stated that they have met all of the Hall County zoning requirements. Jeffries questioned if they looked at other towers in the area and he stated that they did and they will allow other companies to co-locate. There is not another tower in the area to cover the dead spots. This is near a residential

property but they have agreed to the location and the tower is 300 feet from the residence.

Chad Nabity was present and stated that this does not require a set back but there is not another home in the area. The owners of the property have approved the location of the tower.

Vernon Larsen requested to speak to the board. He expressed concern on the fact that the property owners in the area could not do anything because of the cranes and the conservation easements why should there be a tower placed there. The board clarified that this is located outside of the conservation easement.

Mr. Morrow stated that this is a lattice tower and not a guideline tower.

Chairman Lancaster called for public participation and no one responded.

Jeffries made a motion and Eriksen seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Jeffries made a motion and Hartman seconded to approve Resolution #04-0036 for the conditional use permit to construct and operate a telecommunications tower for Western Wireless. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10:30 A.M. PUBLIC HEARING TO CONSTRUCT AND OPERATE A 195 FT TELECOMMUNICATIONS TOWER AT WEST HOLLING ROAD AND HWY #11 FOR NEBRASKA COLORADO CELLULAR INC DBA VIAERO WIRELESS – Jeffries made a motion and Eriksen seconded to open the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Chairman Lancaster called for public participation.

John Luisi with Viaero Wireless was present. They have been in operation for six years they recently purchase Nebraska Wireless. This is a 195 foot tower and there is another tower that is within one mile but it is overloaded so there is need for another tower. There is a problem with calls between Grand Island and Gibbon that are being dropped so they are requesting the tower for continuous coverage. They have met all of the criteria and have purchased the land that the tower will be placed on.

Jeffries questioned if there is another tower in the area why it is not used. Information was submitted that explained that they cannot co-locate on the other tower because there is no space. Discussion was held on the co-location of the antenna and dishes. Jeffries expressed concern on the number of towers that may be built and if everyone would say that they cannot co-locate.

Arnold stated that he understands the concerns on the number of towers that are built but he referenced the picture of the tower and the number of antenna's located on it. He also stated that technology will change regarding the antennas that are needed in the future.

Chairman Lancaster called for public participation.

Arnold made a motion and Eriksen seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Arnold made a motion and Eriksen seconded to direct the County Attorney to prepare the resolution for the next meeting. County Attorney Jerry Janulewicz stated the he will prepare the resolution and bring it back before the meeting adjourns.

10:50 a.m. returned to the executive session that was recessed.

11:20 a.m. Jeffries made a motion and Rye seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

County Attorney Jerry Janulewicz returned with the resolution for the conditional use permit for the 195 foot telecommunications tower at West Holling Road and Hwy #11 for Nebraska Colorado Cellular Inc. Jeffries made a motion and Arnold seconded to approve the Resolution #04-0037 for Nebraska Colorado Cellular for five years. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried

Jeffries made a motion and Rye seconded to refer the personnel evaluation to the personnel committee to meet with the employee to review it. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Humiston made a motion and Rye seconded that the IT Director Doug Drudik is to be in charge of all of the Hall County computer functions and will have all of the necessary passwords, informational books, tools, technology and access to the functions and programs that is necessary to manage the county computer network. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

7. ACCEPT AND PLACE ON FILE THE HALL COUNTY TREASURER'S REPORT ON DELINQUENT PERSONAL PROPERTY TAXES AND APPROVE THE RESOLUTION AUTHORIZING COUNTY TREASURER TO STRIKE FROM THE DELINQUENT TAX LIST ALL UNCOLLECTABLE PERSONAL PROPERTY TAXES – Jeffries made a motion and Hartman seconded to approve Resolution #04-0038 authorizing the County Treasurer to strike delinquent taxes – Arnold Eriksen, Hartman, Humiston, Jeffries and Lancaster all voted yes and none voted no with Rye absent for the vote.

8 LONG RANGE PLANNING COMMITTEE RECOMMENDATION REGARDING OFFICE SPACE – The long range planning committee has been looking at the space needs of several department and has tried to determine where people need to be located. They have had requests from the probation office and also from Corrections Director Dave Arnold for some space at the office building located on First and Sycamore Streets. After reviewing the space needs they have determined that the corrections department is in serious need of additional space. They have been using a hallway for office space and for the interim this is the best use for the space available. Eriksen made a motion and Jeffries seconded to approve the Corrections Department to use the space in the office building on First and Sycamore. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Hartman absent for the vote. Motion carried.

9 DISCUSS AND APPROVE LOAN OF COPY MACHINE TO CONVENTIONS VISITORS BUREAU – CVB is moving to a new location this month and there was discussion that they would be part of the county and at that time they became aware of a copy machine in the county attorney's office that was not in use. The County Attorney Jerry Janulewicz has offered to let CVB use the machine and keep up the maintenance but it would remain on the county inventory. County Attorney Jerry Janulewicz stated that the machine has been in storage and would be good for light duty service. Arnold made a motion and Eriksen seconded to loan the copier from the county attorney's office to the Convention Visitors Bureau. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Hartman absent for the vote.

10 APPROVE SECIAL DESIGNATED LIQUOR LICENSE FO GRAND ISLAND LIQUOR – This is a request for a special designated liquor license for the Grand Island Skeet & Sporting Club, for September 25, 2004 to be held at 6788 West Husker Highway. The Hall County Sheriff completed a back ground check and provided this for the board. Discussion was held and the board members expressed concern regarding this liquor license and the fact that it would be held after a shoot and the presence of fire arms. The board requested additional information regarding this activity. Eriksen made a motion and Rye seconded to table this matter and bring it back I two weeks for consideration. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Hartman absent for the vote.

HALL COUNTY HOSPITAL AUTHORITY – This public hearing for the Hall County Hospital Authority was advertised but was not placed on the agenda. Discussion was held. Loren Wismer from Gilmore and Bell bond counsel was present and stated that in order for the Hospital Authority to approve these bonds a public hearing must be held and approved by the highest elected official. The notice was published. Jeffries made a motion and Rye seconded to add the public hearing for the Hall County Hospital Authority to the Hall County Board's agenda as an emergency item. Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Arnold and Hartman absent. Motion carried.

PUBLIC HEARING HALL COUNTY HOSPITAL AUTHORITY – Jeffries made a motion and Eriksen seconded to open the public hearing for the Hall County Hospital Authority. Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Arnold and Hartman absent. Motion carried.

Loren Wismer, bond counsel for Prather Housing Group stated that this public hearing must be held according to the internal revenue codes. He introduced Pat Hinojos, financial advisor and Michael Eby Chief Financial Officer of the Eby Group that manages the Bickford Cottage in Grand Island, this is an assisted living senior care facility that is located at 3285 Woodridge Boulevard, Grand Island, Nebraska. It was built in 1997 and includes 37 assisted living units. The Prather Group proposes selling bonds in order to fund its purchase of the Grand Island facility. The Eby Group will continue to manage the facility. The bonds will be for \$2,150,000. This will provide tax exemption for the facility.

Chairman Lancaster called for public participation. These bonds are no liability to the County or to the Hospital Authority Board.

Jeffries made a motion and Eriksen seconded to close the public hearing. Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Arnold and Hartman absent. Motion carried.

County Attorney Jerry Janulewicz stated that he did receive documents regarding this issue. It is similar to industrial revenue bonds. The bonds fall under the hospital authority but they or the county do not own the property and are not responsible for the bonds. He has reviewed the paperwork and the resolution.

Jeffries made a motion and Eriksen seconded to approve Resolution #04-0039 for the Board of Trustees of the Hospital Authority #1 of Hall County, Nebraska for the issuance of revenue bonds for Prather Housing Group, Inc. Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Arnold and Hartman absent. Motion carried.

16 DISCUSS REQUEST FOR REMOVAL OF TREES – This letter that the county board received regarding removal of trees at the jail property. Jeffries made a motion and Humiston seconded to refer this to the building and grounds department. Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Arnold and Hartman absent for the vote. Motion carried.

17 DISCUSS AND APPROVE SUBGRANTEE AGREEMENT BETWEEN COUNTY OF HALL AND SENIOR CITIZENS INDUSTRIES FOR FUNDING

18 DISCUSS AND APPROVE AGREEMENT BETWEEN HALL COUNTY SENIOR CITIZENS INDUSTRIES AND COMSTOCK CORPORATION FOR ADDITIONAL TRANSPORTATION SERVICES.

These are the agreements for Senior Citizens that need to go to the state regarding the operation of the handi-bus services. The cost of the tickets went up 50 cents and this has been discussed in the past. Eriksen made a motion and Jeffries seconded to approve the sub grantee agreement between Hall County and Senior Citizens for funding and the agreement between Hall County, Senior Citizens and Comstock Corporation for transportation services. Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Arnold and Hartman absent for the vote. Motion carried.

22 COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND ACTION ON CLAIM AUDIT AND APPROVE EARLY CLAIMS FOR MICHAEL & DENISE WISSING. Jeffries made a motion and Eriksen seconded to approve the bi weekly pay claims and the claim for Michael and Denise Wissing. Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Arnold and Hartman absent for the vote. Motion carried.

BOARD MEMBERS REPORTS – Humiston - no report all covered.

Eriksen – He stated that he attended the solid waste management meeting. He also participated in the morning show at KRGI on Monday. The long-range planning committee needs to address the land that the County owns by the new interchange. The current lessee needs to be contacted by September 1st regarding the status of his lease. He also commented on the keno application process and that on a percentage basis most of the funding went to social programs that benefited the entire county.

Rye – No report.

Jeffries – He attended the Stuhr Museum meeting and made note of the special activity honoring service men that will be held at the museum.

Lancaster – She thanked Mr. Eriksen for his help on the KRGI morning show and asked the other board members for their assistance. She also thanked building and grounds for the shelf that they installed to display the helicopters and that it could be used to display additional items.

NEW OF UNFINISHED BUSINESS – Chairman Lancaster called for new or unfinished business and no one responded.

Meeting adjourned at 12:30 p.m. The next meeting will be August 24, 2004 at 9:00 a.m.

Marla J. Conley Hall County Clerk